

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.08.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.12948 of 2020

R. Suresh

... Petitioner

Vs.

The State Represented by
The Inspector of Police,
Alangayam Police Station,
Tiruppur District.
Crime No.456 of 2020

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with case in Crime No.456 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. S.Iyappan

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 04.08.2020 for the offences punishable under Section 4(1)(a), 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.456 of 2020, seeks bail.

2.The case of the prosecution as per the defacto complainant is that the petitioner was found in possession of 5 litres of ID arrack illegally.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case and further submitted that the petitioner is a handicapped person with 60% infirmity.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner was in possession of 5 litres of ID arrack and that the petitioner is involved in 15 previous cases and since the petitioner is a handicapped person, the respondent has not invoked the Goondas Act against the petitioner.

5. At this juncture, the learned counsel for the petitioner would submit that the petitioner is a physically challenged person who is suffering 60% disability and he would submit that the petitioner is prepared to execute sufficient bond to keep up his good behaviour before the concerned Executive Magistrate and that the petitioner is ready to abide by any stringent conditions that is imposed by this Court.

6. Taking into consideration of the facts and circumstances, considering the submissions made by the learned counsel, and the fact that the petitioner is a physically challenged person with 60% infirmity and also considering the period of incarceration suffered by the petitioner from 04.08.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) the petitioner shall within a period of two weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, along with a bond for keeping up his good behaviour before the learned Judicial Magistrate - III, Tirupattur, failing which the bail granted by this Court shall stand dismissed automatically;

(c) The petitioner shall within one month from the date of release from prison, execute a bond for keeping up good behaviour for a period of one year, before the Executive Magistrate.

(d) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(e) the petitioner on his release from prison, shall report before the respondent police everyday at 10.30 a.m. until further orders.

(f) the petitioner shall not commit any offences of similar nature;

(g) the petitioner shall not abscond either during investigation or trial;

(h) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(i) On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005)AIR SCW 5560];

(j) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-

31/08/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.III, TIRUPATTUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALANGAYAM POLICE STATION,
TIRUPATTUR DISTRICT

4 THE OFFICER INCHARGE,
SUB JAIL, TIRUPATTUR

CC to M/S. S.IYAPPAN Advocate on payment of necessary charges

WEB COPY

CRL OP.12948/2020

Date :31/08/2020

RVR 10/09/2020